

## Message Text

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P 222350Z SEP 76

FM SECSTATE WASHDC

TO AMEMBASSY ATHENS PRIORITY

AMEMBASSY BELGRADE PRIORITY

AMEMBASSY BONN PRIORITY

AMEMBASSY THE HAGUE PRIORITY

AMEMBASSY LUXEMBOURG PRIORITY

AMEMBASSY LONDON PRIORITY

AMEMBASSY MADRID PRIORITY

AMEMBASSY PARIS PRIORITY

AMEMBASSY ROME PRIORITY

AMEMBASSY STOCKHOLM PRIORITY

AMEMBASSY VIENNA PRIORITY

INFO AMEMBASSY ALGIERS PRIORITY

USINT BAGHDAD PRIORITY

AMEMBASSY CAIRO PRIORITY

AMEMBASSY CARACAS PRIORITY

AMEMBASSY JAKARTA PRIORITY

AMEMBASSY JIDDA PRIORITY

AMEMBASSY LAGOS PRIORITY

AMEMBASSY TEHRAN PRIORITY

AMEMBASSY TRIPOLI PRIORITY

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C O N F I D E N T I A L STATE 235284

EXDIS

E.O. 11652:GDS

TAGS: PINS

SUBJECT: WHEREABOUTS OF CARLOS

REF: STATE 222035

1. ADDRESSEES MAY HAVE NOTICED MEDIA SPECULATION CONCERNING WHEREABOUTS OF TERRORIST CARLOS. IF CARLOS RESURFACES IN EUROPE, APPROPRIATE AMEMBASSY SHOULD MAKE URGENT DEMARCHE AT HIGHEST PRACTICAL LEVEL TO HOST GOVERNMENT URGING IT TO TAKE CARLOS INTO IMMEDIATE CUSTODY. ASSUMING HOST GOVERNMENT IS PARTY TO MONTREAL REPEAT MONTREAL CONVENTION ON SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF CIVIL AVIATION, WE BELIEVE THE FOLLOWING PORTIONS OF ARTICLE 2 APPLY TO CARLOS: "1. ANY PERSON COMMITS AN OFFENSE IF HE UNLAWFULLY AND INTENTIONALLY...(C) PLACES OR CAUSES TO BE PLACED ON AN AIRCRAFT IN SERVICE, BY ANY MEANS WHATSOEVER, A DEVICE OR SUBSTANCE WHICH IS LIKELY TO DESTROY THAT AIRCRAFT, OR TO CAUSE DAMAGE TO IT WHICH RENDERES IT INCAPABLE OF FLIGHT, OR TO CAUSE DAMAGE TO IT WHICH IS LIKELY TO ENDANGER ITS SAFETY IN FLIGHT;..." (FYI: CARLOS IS REPORTED TO HAVE CARRIED A WEAPON ON BOARD HIS ESCAPE FLIGHT AFTER THE OPEC INCIDENT. END FYI). "2. ANY PERSON ALSO COMMITS AN OFFENSE IF HE...(B) IS AN ACCOMPLICE OF A PERSON WHO COMMITS OR ATTEMPTS TO COMMIT ANY SUCH

OFFENSE." (FYI: THERE IS REASON TO BELIEVE CARLOS WAS AN ACCOMPLICE IN AIR FRANCE HIJACKING TO ENTEBBE. END FYI).

2. FURTHER, ARTICLE 6 OF MONTREAL CONVENTION STATES, INTER ALIA, THAT "UPON BEING SATISFIED THAT THE CIRCUMSTANCES SO WARRANT, ANY CONTRACTING STATE IN THE TERRITORY OF WHICH THE OFFENDER OR THE ALLEGED OFFENDER IS PRESENT, SHALL TAKE HIM INTO CUSTODY OR TAKE OTHER CONFIDENTIAL

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MEASURES TO ENSURE HIS PRESENCE. THE CUSTODY AND OTHER MEASURES SHALL BE AS PROVIDED IN THE LAW OF THAT STATE BUT MAY ONLY BE CONTINUED FOR SUCH TIME AS IS NECESSARY TO ENABLE ANY CRIMINAL OR EXTRADITION PROCEEDINGS TO BE INSTITUTED."

3. ARTICLE 7 OF THE SAME CONVENTION STATES THAT, "THE CONTRACTING STATE IN THE TERRITORY OF WHICH THE ALLEGED

OFFENDER IS FOUND SHALL, IF IT DOES NOT EXTRADITE HIM, BE OBLIGED, WITHOUT EXCEPTION WHATSOEVER AND WHETHER OR NOT THE OFFENSE WAS COMMITTED IN ITS TERRITORY, TO SUBMIT THE CASE TO ITS COMPETENT AUTHORITIES FOR THE PURPOSE OF PROSECUTION. THOSE AUTHORITIES SHALL TAKE THEIR DECISION IN THE SAME MANNER AS IN THE CASE OF ANY ORDINARY OFFENSE OF A SERIOUS NATURE UNDER THE LAW OF THAT STATE."

4. SINCE CARLOS IS WANTED FOR MURDER IN FRANCE AND AUSTRIA IT WOULD SEEM DESIRABLE TO DISCUSS PROPOSED US DEMARCHE TO HOST GOVERNMENT WITH GOF REPS IN YOUR CAPITAL, AS WELL AS AUSTRIAN AND GERMAN REPS, IF CARLOS IS REPORTED WITHIN TERRITORY OF HOST GOVERNMENT AND IF TIME PERMITS SUCH DISCUSSION. SINCE CARLOS HAS NOT BEEN DIRECTLY INVOLVED TO DATE IN ACTIONS AGAINST AMERICAN INTERESTS, (APART FROM HIS ACTIONS AGAINST TREATIES TO WHICH U.S. IS PARTY), WE SHOULD IDEALLY ATTEMPT TO REINFORCE FRENCH EFFORTS TO EXTRADITE CARLOS. HOWEVER, YOU SHOULD GIVE PRIORITY TO URGENCY AND VIGOR OF YOUR REPRESENTATION.

5. FOR PARIS, VIENNA AND BONN. FOR REASONS CITED ABOVE IT ALSO SEEMS DESIRABLE THAT HOST GOVERNMENT BE NOTIFIED AT AN APPROPRIATELY HIGH LEVEL CONCERNING OUR PLANS IN THE EVENT THAT CARLOS REAPPEARS IN EUROPE IN THE HOPE THAT THEY MIGHT JOIN OUR EFFORT SHOULD THE OCCASION ARISE. HABIB

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## Message Attributes

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**TAGS:** PINS, ASEC, (CARLOS)  
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